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THE MANUSCRIPTS

OF THE

EARL OF ASHBURNHAM.

REPORT

TO THE

MINISTER OF PUBLIC INSTRUCTION AND FINE ARTS.

BY

LEOPOLD DELISLE,

ADMINISTRATOR-GENERAL OF THE NATIONAL LIBRARY.

TRANSLATED FROM THE FRENCH

BY

HARRISON WRIGHT,

RECORDING SECRETARY OF WYOMING HISTORICAL AND GEOLOGICAL SOCIETY.

PRINTED BY

J. B. LIPPINCOTT & CO.

PHILADELPHIA.

1884.

July 21st, 1884.

A year or more has passed since this brilliant article was written by M. Delisle, and during that period Lord Ashburnham has parted with some of his MSS. The Stowe collection went to the British Museum for £45,000, while the Italian government secured for the sum of £23,000 some few Dante MSS. from the collection known as the "Appendix," and all of the Libri MSS., excepting those which M. Delisle has proved to have been stolen from French depositories; these it declined to purchase. It has been said that the Earl of Ashburnham is looking to this country as a likely market for the sale of the remainder of his collection, which is known to contain many stolen documents. This translation has been published and is sent to all of our leading libraries as a means of warning their custodians that the odium which now attaches to these MSS. will follow them even to this country. A few copies have also been sent to some of the principal newspapers with the hope that some words of disparagement may be said by them which will deter any probable American purchaser from acquiring them until they have been cleansed of the stain which now pollutes them, and which can only be done by giving to France the chance to regain her stolen and mutilated treasures.

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REPORT TO THE MINISTER OF PUBLIC INSTRUCTION AND FINE ARTS.

BIBLIOTHÈQUE NATIONALE,
28th June, 1883.

MR. MINISTER.

The interest which you have lately shown in the cause of our libraries, and your ardor to repair the losses of which they were formerly the victims, has led me to the task of explaining to you, in detail, the negotiations of which the manuscripts of the Earl of Ashburnham have been the subject during the past four months, and in which I have been called upon to take an active part.

The questions which were agitated are still far from being decided; but more than one point of controversy has been placed beyond any future dispute, and we hope that some day or other there will be established a reclaiming law, the justice of which is acknowledged, I believe, by all the administrators of public libraries. The matter is of sufficient importance to have the history of it taken from the most authentic sources, which has not been done to any extent either in France or in England.

Above all, it is best to point out in a few lines the nature of the collections in question.

I. NATURE AND ORIGIN OF THE MANUSCRIPTS OF ASHBURNHAM PLACE.

One of the most remarkable collections of manuscripts which has been formed in the nineteenth century is that which the late Earl of Ashburnham brought together at Ashburnham Place, and which assured to him one of the first positions among contemporaneous bibliophiles. It is composed, in round numbers, of about 4000 titles, divided in four collections or distinct divisions, as follows:

Libri collection	1923 numbers.
Barrois collection . . .	702 "
Stowe collection	996 "

And a collection of manuscripts acquired singly or in small lots, and known by the name of the Appendix, about 250 numbers.

The Libri collection was purchased in 1847 for the sum of £8000 sterling, or 200,000 francs; the Barrois collection, in 1849, for the sum of £6000 sterling, or 150,000 francs; the Stowe collection, in the same year, for the sum of £8000 sterling, or 200,000 francs. We are unable to give exactly the amount disbursed for the purchase of the 250 manuscripts of the Appendix, but we will not be far from the correct figures in placing them at from £8000 to £10,000 sterling, which would be 200,000 or 250,000 francs. The collections of the Earl of Ashburnham would, therefore, represent an outlay of about £32,000 sterling, or 800,000 francs. The artistic and literary value of these collections perfectly justified the noble lord in the sacrifices which he made to become the owner of them.

A glance at the catalogues which have been printed suffices to assure one of this fact.

Catalogue of the MSS. at Ashburnham Place. Part the first, comprising a collection formed by Professor Libri. Lon-

don. Printed by Charles Hodgson. Without date. 4to. 240 pages, unnumbered. [This catalogue is the reproduction of the very abridged notes which Libri had prepared in 1845, in order to sell his collection, and the rough draft of which is now in the possession of the Bibliothèque Nationale.]

Catalogue of the MSS. at Ashburnham Place. Part the second, comprising a collection formed by Mr. J. Barrois. London. Printed by Charles Francis Hodgson. Without date. 4to. 392 pages, unnumbered. [This catalogue was edited by J. Holmes.]

Bibliotheca Manuscripta Stowensis. A descriptive catalogue of the MSS. in the Stowe Library. By the Rev. Charles O'Connor. Buckingham. 1818 and 1819. 2 volumes. 4to.

Catalogue of the important collection of manuscripts from Stowe, which will be sold by auction, by Messrs. S. Leigh, Sotheby & Co., on Monday, 11th of June, 1849, and seven following days. 4to. XL. and 252 pages.

Catalogue of the MSS. at Ashburnham Place. Appendix. London. Printed by Charles Francis Hodgson. 1861. 4to. 192 pages, unnumbered. [This catalogue ends with No. CCIII. of the Appendix. There are some supplemental sheets. I have in my possession those which contain notices of the MSS. CCIV–CCXXIV.]

Catalogue of the MSS. at Ashburnham Place. 1853. London. Printed by Charles Francis Hodgson. Folio. [This is an alphabetical list of the MSS. contained in the collections of Libri, Barrois, Stowe, and the Appendix.]

The manuscripts of the Earl of Ashburnham. [This *résumé* of the preceding catalogues forms part of the series of parliamentary documents; it has for a title: *Eighth Report of the Royal Commission of Historical MSS. Appendix, Part III.* London. . . for Her Majesty's Stationery Office. 1881. Folio. 127 pages.]

II. UNDER WHAT CIRCUMSTANCES DID THE EARL OF ASHBURNHAM ACQUIRE THE COLLECTIONS OF LIBRI AND BARROIS?

I would deviate from the subject of which I have to treat if I should speak of the manuscripts of the Stowe collection and the Appendix. Let us concentrate our attention on the Libri and Barrois collections; these are the only ones whose history it is necessary here to elucidate.

A volume would hardly suffice to explain under what circumstances and by what means Libri was able to make a collection of nearly 2000 manuscripts, of which he finished a catalogue towards the close of the year 1845, and which he decided to sell at the beginning of the year 1846. The project of the sale he did not communicate to any but the friends whose discretion had been proved; and these persons to whom the secret had been confided engaged to keep it with the greatest care. Libri told them that he had determined to sell his manuscripts after he had offered them as a free gift to the Royal Library, whose conservator had not agreed to such a munificent act. But if he thought of such a proposition in 1846 it was only a way of preparing a method of defence. Libri never offered to give his manuscripts to the Royal Library, nor did he even announce publicly in France his intention of parting with them.

Here, from the original papers which are before me, was the way the business was transacted.

Panizzi, who was then on friendly terms with Libri, took upon himself to negotiate the sale of the manuscripts to the British Museum.

The affair was entered into in the month of January, 1846; it was conducted with such secrecy that even the name of the vendor was not revealed to the Board of Trustees. The name of Libri was probably not mentioned; but a report, which was submitted to the Board at a meeting on the 25th

of April, 1846, announced that the owner was a professor of Paris, member of the Institute, a native of Florence, and author of "A History of the Mathematical Sciences in Italy," an indication sufficiently transparent to have passed for a divulgence. Panizzi, too, showed a desire to prevent and avert the reproach of having committed an indiscretion and broken his word. This was the object of a long letter under date of May 4th, in which Panizzi admits to have promised secrecy in a solemn manner and repeatedly : *Una delle principali o più tosto la sola importante promessa che voi essigeste da me, e che io vi diedi solenne e ripetutamente, fu che questo negoziato dovesse restare strittamente fra noi.* These indiscretions, in regard to which Panizzi was so indignant, did not reach as far as Paris, where the intimate friends of Libri were alone aware of the negotiations entered into with the British Museum. As soon as these negotiations had fallen through, Libri addressed proposals to the University of Turin, which had not any success. The interference of an official of the British Museum made good to him this double check.

The adjunct conservator of manuscripts, John Holmes, was particularly friendly with the Earl of Ashburnham, who had developed a passionate love for old books, and above all for manuscripts. He conceived the idea of persuading him to purchase the Libri collection, which the British Museum had tried in vain to acquire.

Lord Ashburnham immediately placed himself in communication with Libri; he began by promising the utmost secrecy. It is Mr. Holmes from whom we learn this, in a letter of the 24th of November, 1846, where he thus expresses himself in speaking of his friend: "For his honor and secrecy, I would answer as for my own. He has empowered me to mention to you his name in confidence, trusting that in the event of no result arising from the negotiation his name would not transpire nor your own. He is the Earl

of Ashburnham." This step of Holmes was of a character so confidential that Panizzi himself was not to be informed of it. "All this is a secret, even from our friend Panizzi."

It was sufficient for Lord Ashburnham to glance over the catalogue of the Libri manuscripts for him to conceive the project of acquiring them. Nevertheless, before concluding anything, he desired to have the advice of a bookseller named Rodd, who possessed his entire confidence.

At the beginning of March, 1847, Rodd was directed to go to Paris, look at the collection, and to bring back some volumes representative of the collection. He took with him the sum of £2500 sterling (62,500 francs), which he was to leave in the hands of Libri if he would trust him with the choice of his manuscripts. It was in this way that the "Pentateuch," embellished with paintings, and the "Book of Hours" of Lorenzo di Medici were brought to England. As soon as Lord Ashburnham had seen them at his castle on the 17th of March he no longer hesitated. He announced to Libri that Rodd would leave again, clothed with ample powers to negotiate with him, and as he knew that the vendor desired to have the matter kept a profound secret, he agreed on his honor to reveal to no one what was about to pass between them. "Permit me, before I proceed further, to assure you that I consider every communication from you as strictly confidential, and that I am bound in honor not to make the slightest mention of anything that has passed between us, to any person whatsoever, without your permission."

What occurred at the second interview of Rodd with Libri I do not know. This, however, is certain, that the collection was sold for the sum of £8000 sterling (200,000 francs), and that the manuscripts, carefully packed in sixteen cases, arrived at Ashburnham Place April 23, 1847.

It is important to give these details in order to show that the sale of the Libri manuscripts was a clandestine affair.

We are not so well informed as to the manner in which

Barrois disposed of his collection of manuscripts in 1849. The bargain was concluded, it is said, in Paris, and no one in France, not even the agents of Barrois, had any exact idea as to the number or the nature of the second collection of manuscripts which the Earl of Ashburnham drew from France.

To convince oneself of this it is sufficient to read the notices which appeared after the death of Barrois, which occurred July 21, 1855. The first revelation which was made on this subject is contained in the informal notes which Dr. Haenel published in 1862 in the *Intelligenz Blatt zum Serapeum* (Nos. 18–21).

III. DID THE EARLS OF ASHBURNHAM KNOW OF THE SUSPECTED ORIGIN OF A PART OF THE LIBRI AND BARROIS COLLECTIONS?

Notwithstanding the precautions which Libri and Barrois took to secretly dispose of their manuscripts, I am certain that the Earl of Ashburnham when he was treating with them did not suspect that he was in the presence of thieves or receivers of stolen goods. That which puts his good faith beyond all attacks was the care with which he had the catalogues of his collections printed, and the freedom with which he made communications to our countrymen, and notably to M. Paul Meyer. It is not, however, the less difficult to be recognized that at a very early date he learned what was the true origin of a part of the manuscripts which Libri and Barrois had sold to him.

He was too clear-sighted not to appreciate the extent and value of those accusations which scarcely ten months after the arrival of the Libri manuscripts at Ashburnham Place were raised in France against the official who had abused his trust and position to pillage the richest depositories of Paris and the departments.

He had not even need to read the numerous papers

which were then published and scattered in profusion through every country of Europe. He had by him the most conclusive proofs of the culpability of Libri.

No one at this day is ignorant of the fact that this malefactor believed he could hide all trace of his thefts by giving an Italian appearance to the manuscripts which he had abstracted from the French libraries. But it is the Earl of Ashburnham to whom belongs the credit of being the first to suspect this fraud. He has expressly stated it in a letter which he did me the honor to write to me, June 16, 1869, in answer to observations which I had taken the liberty to submit to him. These are the terms in which he speaks of Libri: "Other MSS. from his collection contain what I have long suspected and what you state to be fraudulent attempts to conceal the true *unde derivantur* of property that has been lost or stolen." After having read such a declaration it would be an insult to the Earl of Ashburnham to pretend that he did not know from what sources Libri had drawn to procure the most ancient manuscripts of his collection.

The truth has been established with no less clearness in regard to the origin of a part of the Barrois manuscripts.

In the month of March, 1866, three months after the arrival in France of the first copy of the catalogue of these manuscripts, the *Bibliothèque de l'Ecole des Chartes** published a long memoir entitled, "Observations on the Origin of Many Manuscripts of the Barrois Collection."

By the aid of comparison, done with mathematical rigor, it was established that some sixty of these manuscripts proved to be thefts committed on the Bibliothèque Nationale between the years 1840 and 1848, and the Earl of Ashburnham was the first to acknowledge, both in his conversations and in his correspondence, that this was the true

* Sixth Series, Vol. II., pages 192–264.

origin of the manuscripts which had been examined in the *Bibliothèque de l'Ecole des Chartes.*

Therefore the old Earl of Ashburnham knew perfectly well that he had a considerable number of stolen manuscripts in the Libri collection and in the collection of Barrois. The respectful admiration with which the young earl surrounds the memory of his father does not permit him to have but one opinion on these delicate questions. He has also shown that he himself is perfectly able to discuss problems of bibliographical erudition in a circumstance which does him so much honor that I narrate it here.

Following an article which I had published in the *Bibliothèque de l'Ecole des Chartes*, to establish the fact that MS. 7 of the Libri collection was composed of cahiers torn from the "Pentateuch," which had formerly constituted MS. 329 of Lyons, Lord Ashburnham contested my conclusions in a letter in which he sustained these two points: 1st. That it would have been more to Libri's interest not to take a fragment of the "Pentateuch," but the entire "Pentateuch." 2d. That it was impossible to determine at what time the leaves of the "Pentateuch" had been detached from the Lyons manuscript. "These," said he in ending, "are some of the arguments which I shall make use of to justify my detention of the manuscript, and the justice of which I firmly believe will be admitted by the courts of all countries."

The same day upon which I received these observations of my honorable opponent, April 20, 1880, I offered to submit the question to arbitrators of whose competency no one could doubt,—Mr. Bond and Mr. Thompson, of the British Museum, Mr. Coxe, of the Bodleian, and Mr. Bradshaw, of Cambridge. The next day Lord Ashburnham wrote me: "I will never seek to escape the consequences of my own words, and I promise you that the very moment when you

shall have made clear to me the mention in a work published in 1837 of the existence in the Lyons Library of the fragments of the "Pentateuch" purchased by my father from Libri in 1847, you will not have to resort to the arbitration that you propose to me to obtain the admission (I will not say of my defeat, since, after all, that is not the question in this friendly discussion, but) of my conversion to your idea." As an answer to so courteous a communication, I forwarded a literal copy of that which Dr. Fleck had said in regard to the "Pentateuch" having been seen by him at Lyons in 1837. Immediately afterwards, on the 27th of April, Lord Ashburnham announced to me that the proof had been made, and he immediately placed in the hands of M. Leon Say, at that time French ambassador at London, the fragments of the precious "Pentateuch" which the English law would have warranted him in keeping, but which he proposed to present to France.

Does not such an act show better than all arguments that the young Earl of Ashburnham knows, as did his father, that the sources of the Libri collection and the Barrois collection are very suspicious, and that it is not difficult for us to show that such and such articles of these collections are thefts committed at a quite recent date?

IV. PROJECTS OF SALE OF THE COLLECTIONS OF ASHBURNHAM PLACE IN 1880 AND 1883. EFFORTS TO REGAIN POSSESSION OF THE MANUSCRIPTS PLUNDERED FROM FRENCH DEPOSITORIES.

To describe in a strange land manuscripts invaluable for our history and for our literature which unfaithful hands have purloined from our libraries is to show clearly the necessity to repossess them, even at the price of sacrifices comparatively great. The idea of recovering those of our stolen manuscripts which have made the reputation of the Libri and Barrois collections has been agitated now for a long time.

No one dared dream of its realization during the life of the old Earl of Ashburnham, who clung to his manuscripts as if a part of himself. At his death, which occurred June 22, 1878, the collections of Ashburnham Place were inherited by his son, who did not have any particular motive to desire their preservation in their integrity. At the beginning of the year 1880 he made known his intentions of selling his father's manuscripts if he could get a satisfactory price.

You were graciously pleased at that time, Mr. Minister, to authorize me to communicate with the officials of the British Museum on an arrangement to result in assuring to England and France the possession of those monuments which interested them the most directly, and to prevent the dispersion of the collections whose destinies preoccupy the attention of all the *savants* of Europe. The conditions of an equitable partition were not difficult to arrive at,—the volumes of the Stowe collections and of the Appendix should remain in England, and the collections of Libri and Barrois should be brought back to France.

The project miscarried because our offers, like those of the British Museum, were judged insufficient. I thought it would be equitable to offer in a lump double the amount paid in 1847 and 1849 to Libri and Barrois, which would be 700,000 francs, without making any reservation on the subject of the manuscripts of suspected origin.

In rejecting my offer, Lord Ashburnham observed that I had not taken into account the accumulated interest since 1847 and 1849 on the money employed by his father in the acquisition of the collections of Libri and Barrois. The reproach was well founded, but I had thought that an English lord would take into account the honor of seeing his name forever celebrated by the memory of the collection which his father had formed, and from whence he had drawn the elements of publications justly esteemed.

Be it as it may, the affair was not pressed further. I was certain it would be revived some day or other, and I was not much astonished in the month of February last when I was courteously informed by the officials of the British Museum that the Earl of Ashburnham had offered to part with the whole of his collections to the Trustees for the sum of £160,000 sterling,—that is to say, 4,000,000 francs.*

Immediately (on the 15th of February, 1883) I wrote to the Board of Trustees, to warn them that the Libri collection and the Barrois collection contained many manuscripts stolen from our public depositories and basely falsified.

I implored them to take into consideration our very lively and legitimate desire to regain possession of monuments precious for our history and for our literature which, after we had been fraudulently plundered of, had been secretly sold in England, and on the subject of which energetic protestations had been raised without interruption since the time of the sale. I entreated them not to associate the English nation with these most infamous acts of vandalism by incorporating in the collections of the British Museum many pretended manuscripts which in reality are cahiers torn from our most venerable and our most ancient manuscripts.

To show by a striking example that there was no exaggeration in my statement, I took one by one the fourteen most ancient manuscripts of the Libri collection, and in a memoir read by me before the Academy of Inscriptions†

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* At the same moment when this proposition was officially submitted to the Board of Trustees, the Earl of Ashburnham, in a letter dated the 11th of February, made it officiously known that he had received from an American agent offers to treat for the acquisition in a lump of his collections of printed books and manuscripts.

† The memoir read before the Academy was published in the *Temps* of the 25th of February, and reprinted, with notes, in the *Comptes Rendus des Séances de l'Académie* for the year 1883, pages 47–75.

I showed that all of these volumes proved to be thefts committed during the year 1842 at Lyons, Tours, Troyes, and Orleans.

It was then, Mr. Minister, that you came powerfully to our assistance in instituting under the presidency of the Under Secretary of State a commission* instructed by you to propose the most efficacious measures to regain possession of our unfortunate manuscripts. This commission met promptly; they acknowledged with unanimity the propriety of contributing toward the acquisition of the manuscripts of the Earl of Ashburnham a sum proportionate to the value of the articles which should be returned to the French libraries.

Furnished with your instructions, I repaired to London, and with the help of M. Paul Meyer, director of the Ecole des Chartes, and of M. Julien Havet, paleographic archivist, I prepared a list of about 200 volumes of the Libri collection and the Barrois collection which, according to indications more or less certain, we had reason to believe were thefts committed in our libraries or our archives. This list was approved by Mr. Bond, administrator of the British Museum, and by Mr. Thompson, conservator of the department of manuscripts.

On both sides it was thought equitable to fix 600,000 francs as the value of these 200 volumes, upon the hypothesis that the whole of the manuscripts of the Earl of Ashburnham should be paid for at the rate of four millions.

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* This commission was composed of Messrs. Durand, Deputy, Under Secretary of State to the Minister of Public Instruction and Fine Arts, president; Charton, Senator, Member of the Institute; Waddington, Senator, Member of the Institute; Ribot, Deputy; Lockroy, Deputy; Merlin, Mayor of Douai, Senator; Delisle, Administrator-General of the National Library; Meyer, Director of the Ecole des Chartes; Lalanne, of the Library of the Institute; Charmes, Director of the Secretaryship; Collin, Chief of the Third Bureau of the Secretaryship, secretary.

It was understood that France should not lay claim to any other article of the collections at that time offered to the British Museum.

Upon the report of the commission which you had charged with the examination of the question, you did not hesitate, Mr. Minister, to approve of the project of the convention which I reported to you from England, and on the 31st of March, in an eloquent discourse with which you closed the Congress of Learned Societies, you took a solemn obligation to have restored to France the documents which are the honor of our libraries, and which form their glory in the eyes of the learned world.

On its part the Board of Trustees, at a general meeting held March 17th, had adopted the combination which appeared to us to harmonize all interests. It recognized the justice of our claims, and without making inquiry whether the thefts had been committed by Libri or by other persons, it declared that the manuscripts in question should never have left the libraries of France, and that it was necessary to give the French the means of their recovery.

In consequence, the Board recommended to the government the acquisition of all of the manuscripts of Lord Ashburnham, and took upon itself to cede to us, at the price of 600,000 francs, the volumes or portfolios, a list of which had been furnished on the 10th of March. And in this was justified "the public and cordial homage" which you paid to "the integrity and fairness of our neighbors of England, to the spirit of justice of their *savants*, and to the noble sentiments of the Trustees of the British Museum."

Everything seemed to be moving satisfactorily, and we had hoped to see returned to France the precious manuscripts of which we had for about forty years been despoiled. Unfortunately the consent of the English government, upon which public opinion seems to have depended, was absolutely denied.

The treasury refused to allow the necessary funds for the purchase in a lump of the manuscripts of Lord Ashburnham, and the Trustees were invited to see whether they could not acquire separately those parts which referred more particularly to England,—that is to say, the manuscripts of the Stowe collection and of the Appendix.

After some hesitation, Lord Ashburnham decided to part with these for the sum of £100,000 sterling, which he soon afterwards reduced to £90,000 sterling (2,250,000 francs).

At their meeting, April 30th, the Trustees recommended this purchase to the government as of eminent utility to the British Museum. This time again their councils were not listened to. The treasury responded that it would give but £70,000 sterling (1,750,000 francs) for the manuscripts of the Stowe collection and of the Appendix. Vainly did the British Museum offer to take at its own expense the £20,000 sterling of difference, in submitting to a reduction of £4000 sterling (100,000 francs) per annum of its regular appropriation for five years.

The government persisted in its refusal to pay more than £70,000 sterling for the Stowe collection and the Appendix. This peremptory refusal put an end to the negotiations.*

In every regard such a check is truly deplorable. We would have applauded without any reserve the entrance into the British Museum of these two collections, which would have singularly added to the importance of this magnificent institution, and which in this way would have made them accessible to the learned world in their entirety. Further, we would have been led to hope that Lord Ashburnham, after he had broken his collections in the

* Subsequent to the date of this report the manuscripts of the Stowe collection have been purchased for the British Museum. The price of the purchase was fixed, it is said, at £45,000 sterling,—that is to say, 1,125,000 francs.

interests of England, would not reject the overtures which had been made to him to secure to France the means of regaining possession of her manuscripts, and which for him would have been attended with the immense advantage of lessening, if not entirely effacing, the discredit into which the collections of Libri and Barrois are fallen.

V. EXACT STATE OF THE CASE. ARE WE PREPARED TO PROVE THAT MANY ARTICLES OF THE LIBRI AND BARROIS COLLECTIONS AROSE FROM THEFTS COMMITTED IN FRENCH DEPOSITORIES AT A RECENT DATE? EXAMPLES TAKEN FROM THE NATIONAL LIBRARY, AND FROM THE LIBRARIES OF LYONS, TOURS, AND ORLEANS. IS IT ESTABLISHED THAT LIBRI WAS THE THIEF?

You have seen, Mr. Minister, what vexatious combinations of circumstances have dispelled the hopes which we had entertained during many weeks of obtaining at the price of 600,000 francs the retrocession of the manuscripts, the loss of which is the subject of mourning for our principal libraries. The combination which appears to have given the matter this sad result became abandoned, and the project of the convention to which the British Museum had adhered became a dead letter. Our efforts were, however, not without result.

It is not a slight result to have seen an authority like that of the Board of Trustees announce that the right should be given to France to recover the manuscripts which had unlawfully left her libraries, and the sympathy with which the steps taken by us have been followed in the different countries of Europe shows that henceforward the enlightened men of all nations agree to reprehend the pillage of public depositories and to recognize the fact that the treasures of art and science preserved in the museums, the libraries, and the archives form an inalienable property, in the integrity of which the entire civilized world should interest itself.

Some day or other these principles will find their application. But we shall never have a more favorable occasion to invoke them than at that moment when the question is again revived of the sale of the collections of Ashburnham Place.

It is in view of this eventuality that we desire to place in a clear light the arguments by the aid of which we will uphold our pretensions.

Very often these arguments are of such clearness that plain common-sense suffices to appreciate their value.

In that which relates to the manuscripts of the Barrois collection, I need not revert here to the observations which I developed in 1866, and which are to-day the accepted authority, since for a period of seventeen years not one of my conclusions has been attacked.

As to the manuscripts of the Libri collection, the statements which the experts, Messrs. Bordier, Bourquelot, and Lalanne, made with so much clearness in 1848 and 1849 sufficed to awaken and even to justify the suspicions of which many articles, and notably the collections of autograph letters, have been the object during the last thirty-five years.

But it is possible to go farther in verifying minutely the actual state of our collections, and in studying attentively all the old catalogues, even those of the seventeenth or eighteenth century, and those which are found in the shape of informal notes.

It is in this way that I have arrived at indisputable results in regard to quite a large number of manuscripts of Lyons, Tours, and Orleans. It is not useless to point them out here were it only to convince the most incredulous that our claims rest upon well-established facts and not upon vague presumptions, as is frequently stated by the imprudent defenders of Libri.

MANUSCRIPTS OF LYONS.

I did not have the opportunity at Lyons to study any but the manuscripts in uncial letters.

The examination which I had made in 1878 of the famous "Pentateuch" suggested to me the idea that Libri, not being able without danger to appropriate to himself entire manuscripts from the library of Lyons, was satisfied to take from the most precious volumes a certain number of cahiers or leaves, which he chose in such a way as to be able to form small volumes having at first view the appearance of complete manuscripts. My conjecture was well founded. It was with the aid of previous thefts, adroitly executed upon manuscripts 517, 381, 521, 351, and 372 of Lyons, that Libri had composed numbers 2, 3, 4, 5, and 12 of his collection, of which here is a short statement:

No. 2. Opuscules of St. Jerome, in uncial letters. Volume composed of 19 leaves which have been torn from MS. 517 of Lyons, between the leaves now numbered 52 and 53.

No. 3. Fragment of the Exposition of the Psalms by St. Hilary, in uncial letters. Volume composed of 15 leaves which exactly fill a hiatus existing between the pages 117 and 118 of MS. 381 of Lyons.*

No. 4. Treatises of St. Augustine, in uncial letters. Volume composed of 42 leaves which exactly fill a hiatus between the pages 33 and 34 of MS. 521 of Lyons.† (This

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* *Notices et extraits des manuscrits*, XXIX., 11, 364.

† *Ibid.*, 369. To complete what I have said of MS. 521 of Lyons it is necessary to add the notice which Zangemeister (Bericht über die Durchforschung der Bibliotheken Englands, in a volume of Sitzungsberichte der phil. hist. Classe der Kais. Akademie der Wissenschaften, LXXXIV., 559) has devoted to MS. 4 of Libri. We should not lose sight of the fact that the 42 leaves which compose MS. 4 of Libri ought to be replaced in MS. 521 of Lyons, between the leaves now numbered 33 and 34. Here is Zangemeister's notice:

"Quarto volume of 42 leaves on parchment, of the VI. Century, in half

observation is due to M. Caillemer, correspondent of the Institute and Dean of the Law Faculty of Lyons.)

No. 5. Fragment of Psalter, in uncial letters, containing entire or in part the Psalms CXI.–CXXXIX. Volume of 63 leaves torn from the end of MS. 351 of Lyons.*

No. 12. The two first books of the Commentary of Origen on Leviticus, in uncial letters. Volume of 13 leaves which fill a hiatus existing between the leaves 161 and 162 of MS. 372 of Lyons.†

MANUSCRIPTS OF TOURS.

The most complete disorder reigned in the library of Tours when Libri visited it in 1842. The disorder emboldened him to such an extent that he was not content with the mutilation of a certain number of precious manuscripts, as he had done at Lyons. He took thence entire manuscripts, and was deterred neither by the size nor the weight of the volumes.

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uncial letters. 'Beginning: + Incipit alia ejusdem de symbulo. Tempus est ut symbulum . . . — (fol. 4 v°) . . . amando-justitiam. Explicit. + Incipit de oratione dominica. Quoniam Domino gubernante jam estis in regia constituti . . . — (fol. 8 v°) . . . efficiat: ipsi gloria in sæcula sæculorum. Amen. Incipit sermo sancti Augustini de psalmo LXVII. Audivimus et contremuimus . . . — (fol. 19 v°) . . . est timeamus. Explicit sermo de psalmo LXVII. . . . — (fol. 20 r°). Incipit de continentia et sustinentia. Duo sunt quæ . . . — (fol. 28 r°) . . . inimicum. Explicit. Incipit sermo de scriba erudito. Evangelica lectio . . . — (fol. 31 v°) . . . ut auferatur velamen. Explicit de scriba erudito . . . — (fol. 32 r°). Incipit sermo de eo quod Christus in scribturis tribus modus intellegatur. Dominus noster Jhesus Christus quantum . . . — (fol. 42 v°) . . . lfocationis Dei in Christo Jhesu Domino nostro, cui est omnis honor et gloria in sæcula sæculorum. Amen.' 'Signatures on sheets: I. on fol. 2 v°; II. on fol. 10 v°; III. on fol. 18 v°; IV. on fol. 26 v°; V. on fol. 32 v°; VI. on fol. 42 v°.' 'One reads on fol. 42 v°, in characters of the XVI. or of the XVII. Century: *Est Sancti Joannis in Valle* (falsification of Libri).' "

* See my *Mélanges de paléographie et de bibliographie*, pages 11–35.

† *Notices et extraits des manuscrits*, XXIX., 11, 372.

We are able to appreciate the extent of the ravages committed at Tours by Libri, now that the labors of M. Dorange have re-established order in that depository and have exactly made known what remains of the old manuscripts of St. Gatien, St. Martin, and Marmoutier. In taking for a base of operations the catalogue of M. Dorange, and different notes or lists of the seventeenth, eighteenth, and nineteenth centuries, I have prepared a statement of the manuscripts which have disappeared in whole or in part, and in most of the cases I have been able to determine the approximate date of their disappearance. I have compared the statement thus obtained with the catalogue of the Libri manuscripts, and I have ended in acquiring proof that twenty-four articles of the Libri collection proved to be thefts committed at the library of Tours.

I proceed to give the enumeration of them, and would refer to a special memoir which will appear,* in which each one of my identifications is justified by direct comparison:

No. 1 of the Libri collection. St. Hilary, in uncial letters. No. 23 of St. Martin. Was still at Tours in 1826.

No. 6. The Prophets, in uncial letters. No. 90 of Marmoutier. Was still at Tours in 1842.

No. 8. Fragments of a manuscript of Eugyppius. No. 50 of the second catalogue of the manuscripts of St. Martin.

No. 13. Pentateuch, with paintings, in uncial letters. No. 4 of St. Gatien. Was still at Tours in 1842.

No. 14. The Gospels, in Anglo-Saxon characters. No. 8 of St. Gatien. Was still at Tours in 1842.

No. 21. Philosophical Treatises of Cicero, of the Carlovingian epoch. No. 33 of St. Martin of Tours. Was still at Tours in 1840.

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* *Notice sur les manuscrits disparus de la bibliothèque de Tours pendant la première moitié du XIX.e siècle.* Paris. Champion, 1883. 4to. 200 pages. (Extract from Vol. XXXI. of *Notices et extraits des manuscrits.*)

No. 22. Virgil, of the XI. Century. Of the collection of St. Martin of Tours. Was still at Tours in 1840.

No. 24. The Thebaid of Statius, of the XI. Century. Of the collection of St. Martin of Tours. Was still at Tours in 1842.

No. 25. Commentary of Priscian on the first verses of the Æneid. These are leaves torn, subsequent to the year 1840, from MS. 122 of Marmoutier, now No. 887 of the Tours Library.

No. 30. The Arithmetic of Bede and the Astronomy of Aratus. Volume of 97 leaves which were detached, after the year 1842, from the end of MS. 42 of St. Martin, now No. 334 of the Tours Library.

No. 36. Carlovingian Sacramentary, with the Canon, on purple parchment. No. 65 of St. Gatien. Was still at Tours in 1842.

No. 42. Treatise of St. Augustine on the Christian Doctrine. No. 74 of St. Martin.

No. 73. Poem of St. Orientius and Vision of Wettin. Fragment torn, subsequent to the year 1842, from MS. 118 of St. Martin, now No. 284 of the Tours Library.

No. 75. Opuscules of St. Augustine. Cahiers torn, subsequent to the year 1842, from the end of MS. 153 of St. Martin, now No. 281 of the Tours Library.

No. 87. Treatise of Bede on the Nature of Things. Volume of 22 leaves torn, subsequent to the year 1842, from MS. 42 of St. Martin, now No. 334 of the Tours Library.

No. 88. Opuscules on Weights, Measures, etc. Volume of 23 leaves torn, subsequent to the year 1842, from MS. 42 of St. Martin, now No. 334 of the Tours Library.

No. 91. Tripartite History. No. 143 of St. Gatien.

No. 101. Treatise on Canon Law, in Provencial. No. 186 of Marmoutier.

No. 105. Provencial Pieces in Prose and Verse. Of the collection of the Abbey of Marmoutier, and formerly of the Lesdiguières collection.

No. 106. Life of St. Honoratius. No. 164 of Marmoutier.

No. 108. Romance of the Birds, in Provencial. No. 258 of Marmoutier.

No. 109. Meditations of St. Bonaventura, in Provencial. No. 165 of Marmoutier.

No. 110. The New Testament, in Provencial. No. 308 of Marmoutier.

No. 112. Life of St. Alexis in French Verse, etc. No. 239 of Marmoutier.

MANUSCRIPTS OF ORLEANS.

Libri inflicted on the Orleans manuscripts an analogous treatment to that which the Tours manuscripts were subjected. Sometimes he has torn parts from volumes, and sometimes taken away entire volumes; but at Orleans, as the manuscripts had been regularly numbered after the publication of Septiers' catalogue in 1820, the thief believed himself obliged to replace the precious volumes which he had appropriated by volumes more or less insignificant which had been left out of the regular classification. The greater part of the frauds were not discovered until recently. I have been able to substantiate these, thanks to the kind aid of M. Loiseleur, the learned and ingenious conservator of the Orleans Library, and to communications from M. Cuissard, known by his interesting works on many manuscripts of this depository.

Here is the way we have established, at least temporarily, the list of manuscripts of the Libri collection which came from the library of Orleans.*

No. 9. Homilies of St. Augustine, in uncial letters. Volume of 24 leaves, which constituted formerly pages 98–113, 248–263, 328–343 of MS. 131 of Orleans.

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* I hope soon to publish in Volume XXXI. of *Notices et extraits des manuscrits* a collection of notes on different manuscripts of the city of Orleans, and particularly on those which have been stolen or mutilated.

No. 11. Homilies of St. Augustine, in uncial letters. Volume of 40 leaves, which constituted formerly pages 168–247 of MS. 131 of Orleans.

No. 18. The Art of Donatus, copy of the ninth century. Volume of 66 pages torn from the beginning of MS. 250 of Orleans.

No. 19. Commentaries of Priscian. Volume of 56 leaves torn from the middle of MS. 87 of Orleans, of which it formed the pages 247–358.

No. 31. Treatises of Boetius, Porphyrius, etc. Volume of 60 leaves torn from the end of MS. 223 of Orleans, of which it constituted pages 100–217.

No. 35. Lives of the Saints, etc. Cahiers torn from the end of MS. 167 of Orleans, of which it formed pages 101–197.

No. 37. The second edition of Donatus. Volume of 63 leaves torn from MS. 215 of Orleans, of which it constituted pages 32–157.

No. 39. Rules of the Regular Prebendaries. It is MS. 123 of Orleans.

No. 41. Collection of Councils, Capitularies, etc. Volume of 153 leaves, described by Dom Louis Fabre* as belonging to the public library of Orleans.

No. 45. Treatise on Computations, etc. Volume of 14 leaves torn from the beginning of MS. 15 of Orleans, of which it constituted pages 1–28.

No. 46. Lives of the Saints. Volume of 120 leaves torn from two manuscripts; I have not determined yet with certainty whence the leaves 1–30 came; but leaves 31–120 were torn from MS. 289 of Orleans, of which they constituted pages 193–379.

No. 47. Fragment of Martyrology. Volume of 31 leaves torn from the beginning of MS. 274 of Orleans.

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* *Catalogue des livres de la bibliothèque publique fondée, par M. Prousteau* (Paris and Orleans, 1777, 4to), page 315.

No. 48. Lives of the Saints. This is MS. 281 of Orleans.

No. 78. Fragments of two manuscripts. The first 28 leaves (Office of the Holy Faith, with musical notation) were torn from MS. 296 of Orleans, of which they constituted pages 17–72. The eight last (*Compositio monocordi secundum Boetium*) are pages 33–48 of MS. 240 of Orleans.

No. 82. Explication of the Mass, etc., of the ninth century. Cahiers torn from the end of MS. 94 of Orleans.

No. 84. Code of Theodosius, etc. This is the MS. 207 of Orleans, whose importance has been made known by the works of Haenel.

No. 85. Fragments of various manuscripts. The first of these fragments is composed of 4 leaves torn from MS. 207 of Orleans, and numbered 98–101 in Haenel's description.

No. 90. Treatises of Bede, of Isidore of Seville, etc. It is MS. 266 of Orleans.

No. 92. Extracts from St. Gregory, by Parterius. It is MS. 51 of Orleans.

No. 96. Fragments of manuscripts. The first fragment is composed of leaves which constituted pages 84–109 of MS. 122 of Orleans, and which contained the Eclogue of the Cross, by Raban Maurus.

As to the manuscripts of which the enumeration precedes, and for still others, I have given, or I shall give, when the time shall have come, the proof that they were stolen about 1842, and the arguments which I have prepared are as decisive as those which were invoked for the "Pentateuch" of Lyons, and of which Lord Ashburnham himself recognized the value, when he voluntarily decided in 1880 to return to France the cahiers of that celebrated manuscript purchased by his father in 1847.

These, then, are the thefts which have caused the passage of many manuscripts from our public libraries into the collection of the Earl of Ashburnham.

But there is more: I am able to show that the thefts were

committed by him himself, who mysteriously exported his manuscripts to England in 1847. The proof is easy to give. I base my argument always on the manuscripts of Lyons, Tours, and Orleans, because peculiar circumstances have made them more familiar to me.

In 1847, Libri sold to Lord Ashburnham the cahiers torn from manuscripts 329, 351, 372, 381, and 521 of Lyons. He possessed these cahiers at least as early as the end of the year 1845, seeing that in the month of January, 1846, he corresponded with Panizzi for their sale to the British Museum.

Now I have before me the very extended autograph notes which Libri took at Lyons in 1842, on these same MSS. 329, 351, 372, 381, and 521.

In 1846 and in 1847, Libri offered for sale 24 manuscripts, or parts of manuscripts, plundered from the library of Tours. Now 13 of these manuscripts, or parts of manuscripts, those to which he has given the Nos. 6, 13, 14, 24, 30, 36, 73, 75, 87, 88, 106, 110, and 112, had been examined by him in 1842 at the library of Tours. A lucky chance has preserved us the autograph notes which he had devoted to them for the completion and correction of the catalogue of Chauveau.

In the same way we have the written proof that Libri passed in review in 1842 the MSS. 51, 123, 131, 207, 250, and 281 of the library of Orleans, manuscripts which he, in whole or in part, tried to sell in 1846, and sold in 1847.

Here, then, to confine ourselves to facts actually established, are 24 manuscripts on which he took notes more or less in detail, and even took a tracing of several lines the better to fix the paleography in his memory. These are, as a rule, of manuscripts of a high antiquity, of unique monuments, of which a connoisseur would never lose the memory, if he should have the good fortune to examine them and exhume them from oblivion, as was the case with these

volumes which had been deposited for forty years in the libraries of Lyons, Tours, and Orleans.

Now less than four years afterwards Libri becomes the holder of these 24 manuscripts; he secretly offers them for sale, and ends in parting with them to a foreign amateur. How is it to be admitted that in the manuscripts possessed by him in 1845 he did not recognize the manuscripts of which he himself had taken a description in 1842 at Lyons, Tours, and Orleans?

If this had been the case with two or three volumes one might suppose a defect of memory; but this explanation cannot be admitted when we find ourselves in the presence of more than twenty articles, and, moreover, I have left to one side all of those for which I had not the autograph testimony of the accused.

Libri was not ignorant then of the origin of the 24 manuscripts which I have taken as examples; knowing well that they had been stolen from our libraries, he would not have dared to buy them if the dealers had offered them to him. But he did not purchase them; he purloined them. Who but he was capable of selecting them? Who but he had the means to carry off large volumes or of tearing out leaves susceptible of constituting small volumes to which could be given the appearance of complete manuscripts? Who else could have carried on this culpable industry in three different cities,—Lyons, Tours, and Orleans? Who else had made the researches which were necessary to clothe in pseudo-Italian binding the manuscripts plundered from our libraries, and to add notes in order to create the belief that they formerly belonged to St. Peter of Peruggia, St. Mary of Florence, St. Zenon of Verona, Grotta-Ferrata, etc.?

It is, therefore, proved that Libri himself stole the manuscripts which gave the greatest value to his collections. We have taken him in *flagrante delicto* in the libraries of

Lyons, Tours, and Orleans, and we understand why he made such haste to secretly pass over to a foreigner the results of his plunder.

VI. DEPRECIATION OF THE LIBRI AND BARROIS COLLECTIONS RESULTING FROM THE DOUBTFUL ORIGIN OF A PART OF THESE COLLECTIONS.

The public is sufficiently informed as to the origin of a part of the Libri and Barrois collections. It knows that many of the volumes of which they are composed prove to be thefts, and that, in order to render them unrecognizable, the thieves have cut them up in piecemeal, that they have inverted the order of the cahiers, that they have caused the disappearance of their ancient coverings, and that they have committed forgeries on them of the grossest nature.

Such mutilations and such stains have given a marked depreciation to the manuscripts which have been the victims of them. But that which has contributed most to lessen their vendible value is the difficulty, in fact the impossibility, of selling them in France. In regard to this I will repeat here what I had the honor to write in 1880 to the Earl of Ashburnham, to demonstrate to him that the vendible value of the Libri and Barrois manuscripts could not be fixed by the prices obtained at sales where the competition of amateurs and public institutions of the entire world have a free course.

"It will not be thus," I said to him, "the day when you expose your collections to the risks of an auction. Whatever may happen, the French government will resolutely declare that if she is unable to maintain in a foreign land her imprescriptible and inalienable right to the manuscripts plundered from public libraries, she reserves the right to pursue the reinstatement of such of these manuscripts which at any given moment may re-enter France, as happened to a

precious volume purchased by a French bookseller at the Perkins sale in 1873.*

"French dealers and amateurs will be warned that the collections of Libri and Barrois are full of manuscripts of suspected origin to which the French government is determined to make known its right of property the day when these manuscripts enter France. This consideration will cast a chill over even the English dealers and amateurs: they will know, in fact, that neither they nor their heirs can ever dream of selling in France, even amicably, manuscripts procured from thefts that no limitation can cover.

"Public institutions themselves will be exceedingly reserved. They will hesitate to collect monuments, excellent in themselves, but to which the name of Libri and Barrois have given a sad reputation.

"The Libri and Barrois manuscripts have not, therefore, for private collectors or public institutions the value of ordinary manuscripts. Since we now know in what way the collections of Libri and Barrois have been formed, these collections have been stamped with discredit in the eyes of all impartial judges. In purchasing them one should dread to pass for an accomplice of these Barrois and Libris, and to have one's name associated with the names of the thieves and forgers who no one any longer dares to defend."

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* This refers to a manuscript of Gratian which Chardon de la Rochette, by virtue of a ministerial commission, had selected in 1804 from the library of Troyes, to be transferred to the Bibliothèque Nationale. In consequence of negligence or unfaithfulness, the manuscript never arrived at the destination which the Minister of the Interior had assigned to it; it passed to England and figured in 1873 at the sale of the books of Henry Perkins (No. 582 of the Catalogue published by Messrs. Gadsden, Ellis & Co., selling for $1300.—*Trans.*).

A French dealer who had purchased it offered it for sale in Paris in the following year. It was then that the Bibliothèque Nationale issued an attachment which the Tribunal of the Seine declared good and valid by a judgment of the 22d of December, 1875.

The administrators of public libraries will yield particularly to the consideration of a decree emanating from so distinguished a source. They will not be desirous of having introduced into their depositories falsified manuscripts and fragments of manuscripts, the tearing of which has left wounds always bleeding in the hearts of the most precious volumes of the French libraries.

They will be inspired by the example which the Trustees of the British Museum gave in 1878 when they accepted the conditions of an exchange by which we were permitted to restore to their place the leaves torn since 1707 from the second Bible of Charles the Bald and from many other manuscripts of the Bibliothèque Nationale. The loyalty and cordiality of relations which unite among themselves public institutions of civilized countries will cause in all countries to the rebuff of plans of purchase, the realization of which would in fact encourage unqualified acts of piracy and vandalism.

The nation which should buy in a lump the collections of Lord Ashburnham, for the purpose of gathering them in a depository liberally open to the public, might merit, indeed, the good-will of science and augment materially its artistic and literary renown, but it would attain its noble aim in entirely robbing France of the means to repair a great disaster, and to restore to their original purity monuments mutilated and dishonored for nearly half a century.

It is this which generously led the Board of Trustees of the British Museum to declare on the 17th of March last that the manuscripts, a list of which had been submitted to them, ought not to have left the libraries of France, and the means of the recovery of which they would give to the French.

We do not renounce the hope of some day again entering into the possession of our manuscripts and of wiping out a stain in the history of our libraries. We should cling to

this hope, then, above all, that the direction of the Department of Public Instruction is confided to a minister devoted as you are to the interests of science and to the development of the great literary and artistic arsenals of France.

Deign to accept, Mr. Minister, the homage of my profound respect.

L. DELISLE,

Administrator-General and Director.

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